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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
MAURICE BIBBS, and)
DEANDRE WATSON,)
)
Defendants.)
_____)

No. CR 07-0336 WHA

**UNITED STATES' STIPULATED
[PROPOSED] ORDER RE:
COLLECTION OF DNA SAMPLES**

On July 23, 2007, the government announced its intention to obtain DNA samples from defendants pursuant to *Schmerber v. California*, 384 U.S. 757 (1966). The Court requested that defendants determine whether or not they oppose the government's request by close of business on July 23, 2007, and to inform the government of their decisions. Both defendants have stated that they do not oppose the government obtaining their DNA under the following conditions: (1) the DNA samples will be obtained by swab, rather than by taking blood; (2) defense counsel may

1 be present when the samples are obtained¹; and (3) the defendants will be provided with the
2 DNA reports of conclusions shortly after they are received by the government. Each of these
3 conditions is agreeable to the government.

4
5 UPON CONSIDERATION OF THE FOREGOING, IT IS HEREBY ORDERED THAT
6 comparison DNA samples from defendants Bibbs and Watson are necessary in order to ascertain
7 whether either one or both of their DNA profile matches the DNA profile that likely will be
8 obtained on the handgun recovered from the vehicle in this case. Oral swab samples taken from
9 Bibbs and Watson will yield usable DNA samples that will enable this comparison. The oral
10 swabs will be collected from the inside cheek portion of the mouth to sufficiently collect buccal
11 cells. Defense counsel shall be permitted an opportunity to be present during the sample
12 collections.

13
14 IT IS FURTHER ORDERED, that the FBI is authorized to collect DNA samples from Maurice
15 Bibbs and Deandre Watson by collecting oral swab samples from them using the standard
16 procedures developed by the FBI crime laboratory described above and that defense counsel may
17 be present during the collection. Any results from the comparison shall be promptly forwarded
18 by the United States Attorney's Office to defense counsel.

19
20 SO ORDERED, this _____ day of _____, 2007.

21
22
23 HON. WILLIAM H. ALSUP
24 UNITED STATES DISTRICT JUDGE
25 NORTHERN DISTRICT OF CALIFORNIA
26

27 _____
28 ¹ Because Mr. Sugarman will be out of the state for the next two weeks, he has agreed to
make an associate available to be present at the sample collection so as to not slow the process.